

## **REMARKS**

Applicant respectfully requests reconsideration of the subject application for the reasons set forth herein.

### **Telephonic Interview with Examiner**

Applicant respectfully thanks the Examiner for conducting an interview over the telephone with Applicant regarding this Application. In the interview, Applicant and the Examiner discussed the claims of the present invention and the final Office Action in order to more clearly understand the rejection made therein and also to more clearly point out the distinguishing characteristics in the present invention as set forth in the present Application which make it patentable. Applicant and Examiner also discussed possible amendments to the claims. Applicant has amended the claims and shaped these Remarks made herein in light of the discussions carried out during the telephonic interview.

### **Amendment after Final**

Entry of this amendment is respectfully requested on the ground that this amendment places the application in condition for allowance. Alternatively, entry of this amendment is respectfully requested on the ground that this amendment places the claims in better form and condition for appeal. Furthermore, Applicant submits that any changes made to the claims herein do not require an additional search on the part of the Office, nor do any amendments made herein raise new issues with regard to the patentability of the claims now pending.

### **Claim Amendments**

Applicant has amended Claims 1-2, 7-13, 15, 23-31, 35-39, 48-54, 58-63, and 70-78 to more distinctly claim the subject matter that Applicant regards as the invention. The words “service provider” and “service providers” have been amended to “provider of services” and “providers of services,” respectively, in Claims 1-2, 7-13, 15, 23-31, 35-39, 48-54, 58-63, and 70-78, which is supported throughout the specification, but more specifically, on page 12, lines 4-14 of the specification. Applicant affirms that any reference in the claims to any service provider or provider of service does not refer to an internet service provider in particular and such fact is supported in the specification on page 12, lines 4-14.

### **35 U.S.C. § 103 Rejections**

Claims 1-24, 29-49, 54-71, and 76-81 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Hubbard, U.S. Patent No. 6,745,239 (“Hubbard”), in view of Glitho et al., U.S. Patent No. 5,999,973 (“Glitho”), and further in view of Abrams, U.S. Patent No. 6,151,608 (“Abrams”). Claims 25-28, 50-53, and 72-75 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Hubbard in view of Glitho, in view of Abrams, and further in view of Burson et al., U.S. Patent No. 6,405,245 (“Burson”). Reconsideration of the present Application is respectfully requested.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim elements. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). M.P.E.P. 706.02(j).

Hubbard and Glitho Do Not Teach Selection of the Migration Selection Interface by the User

Amended, independent Claims 1, 29, and 53 disclose a method of migrating information comprising “accessing a second at least one of the at least two providers of services upon selection of the migration selection interface by the user ...” Neither Hubbard nor Glitho teach at least this element of Applicant’s method.

Applicant respectfully submits that the present Office Action sets forth that Hubbard does not expressly disclose accessing a second at least one of the at least two providers of services upon selection of the migration selection interface by the user. *Office Action of April 4, 2006*, page 4. Thus, Hubbard fails to teach the method of migrating information as disclosed in Applicant’s invention.

Further, Applicant respectfully submits that Glitho, likewise, fails to disclose this step of amended, independent Claims 1, 29, and 53 and fails to remedy the deficiencies in the teachings of Hubbard. The present Office Action asserts that Glitho teaches this step by:

an interface...utilizes a data migration logic...to support the transfer of subscriber data among and between the customer administrative system..., the database

network elements...and external entities. This data migration logic...receives migration requests, determines which nodes (such as, for example, certain ones of the database network elements...) comprise the source and destination nodes for the migration, generates migration commands having a proper format for communication to and/or understanding by each individual one of the necessary nodes, and routes the properly formatted commands to the necessary nodes for handling...

(Glitho, col. 2, line 51 – col. 3 line 12; col. 4, lines 43-54; and col. 5, lines 6-46). *Office Action*

*of April 4, 2006*, page 4-5. Applicant respectfully asserts that, in these excerpts of Glitho,

nowhere is a *selection of the migration selection interface by the user* disclosed. Glitho discloses *data migration logic*, but does not disclose anything regarding *a user making a selection*. Thus,

Applicant respectfully asserts that Glitho does not disclose *selection of the migration selection*

*interface by the user* of amended, independent Claims 1, 29, and 53. Because Hubbard and

Glitho fail to disclose *selection of the migration selection interface by the user*, Applicant

respectfully asserts not all of the elements of amended, independent Claims 1, 29, and 53 are taught.

Therefore, Applicant submits that the cited references of Hubbard and Glitho, neither individually nor in combination, teach or suggest *selection of the migration selection interface by the user* as taught in amended, independent Claims 1, 29, and 53 of Applicant's invention.

Accordingly, Applicant submits at least the amended, independent Claims 1, 29, and 53 of

Applicant's invention are patently distinguishable over the prior art of record. Applicant further

submits that each of the dependent claims (Claims 2-28, 30-52, and 54-74) are similarly

distinguishable over the prior art of record, at least by virtue of each Claim's ultimate

dependency from the patently distinct base Claims 1, 29, and 53.

Hubbard, Glitho, and Abrams Do Not Teach an Exporter

Amended, Independent Claim 75 discloses a migrator for migrating personalized services comprising "...an exporter communicatively connected to a migrate-to providers of services..." Applicant respectfully asserts that neither Hubbard, Glitho, or Abrams teach Applicant's migrator.

Applicant respectfully submits that nowhere in the present Office Action is it discussed or described how Hubbard, Glitho, or Abrams discloses *the exporter communicatively connected to a migrate-to providers of services* of amended, independent Claim 75. *See, generally, Office Action of April 4, 2006.* Furthermore, Applicant respectfully asserts that Hubbard, Glitho, and Abrams fail to disclose the *exporter* element of amended, independent Claim 75 as disclosed in Applicant's invention. *See, generally, Hubbard, Glitho, and Abrams.* Because Hubbard, Glitho, and Abrams fail to disclose this *exporter* element, Applicant respectfully asserts not all of the elements of amended, independent Claim 75 are taught.

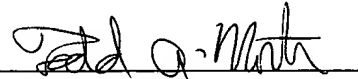
Therefore, Applicant submits that the cited references of Hubbard, Glitho, and Abrams, neither individually nor in combination, teach or suggest the migrator *including an exporter* taught in amended, independent Claim 75 of Applicant's invention. Accordingly, Applicant submits at least the amended, independent Claim 75 of Applicant's invention is patently distinguishable over the prior art of record. Applicant further submits that each of the dependent claims (Claims 76-81) are similarly distinguishable over the prior art of record, at least by virtue of each Claim's ultimate dependency from the patently distinct base Claim 75.

**Conclusion**

Wherefore, Applicant respectfully believes all outstanding grounds raised by the Examiner have been addressed, and thus respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to read "Todd A. Norton", is written over a horizontal line.

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